

MONDAY, MARCH 29, 1993

TWENTY-SIXTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

Rep. Pinion opened the proceedings with prayer and led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Garrett.

Representative Napier; to attend a meeting of the National Association of Conservation Districts in Washington, D. C.

ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Heron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

PRESENT IN CHAMBER

Representative(s) Brooks, R. Jones, L. Turner and Kernell was/were recorded as being present in the Chamber.

MOTION TO RECESS

On motion of Speaker Naifeh, the House recessed for remarks by Rep. Kent and a presentation by Jason D. Williams.

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Rep. Knight introduced William B. Allen, III, and made remarks.

RECESS EXPIRED

When the recess expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

MESSAGE FROM THE SENATE

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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 26; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 0026 -- Cosmetology -- Adds electrolysis schools to schools exempt from licensing requirements of Postsecondary Education Act of 1974. Amends TCA 49-7-2004. by *Person.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

*House Resolution No. 0019 -- General Assembly, Directed Studies -- Directs Tennessee Advisory Commission on Intergovernmental Relations to conduct study relative to salaries of county officials and various methods effecting salary increases for such county officials. by *Rinks, *Rigsby, *Phelan, *Walley, *Cole Ronnie, *McKee, *William Michael.

State and Local Government Committee.

House Joint Resolution No. 0148 -- Memorials, Congress -- Urges continuation and funding for Advanced Solid Rocket Motor Project, by *Rinks.

Commerce Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Wednesday, March 31, 1993:

House Resolution No. 0021 -- Memorials, Personal Achievement -- Misha Nicole Kilpatrick, Grand Worthy Advisor, Rogersville Rainbow Assembly #95. by *Givens.

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House Joint Resolution No. 0151 -- Memorials, Sports -- Coach David Russell and Bradford Lady Red Devils. by *Phelan.

House Joint Resolution No. 0153 -- Memorials, Death -- Paul Pardun. by *Givens.

House Joint Resolution No. 0154 -- Memorials, Sports -- Union University Lady Bulldog basketball team. by *Kisber, *McDaniel.

House Joint Resolution No. 0155 -- Memorials, Professional Achievement -- Michael Hawkins, Principal at Hamilton Elementary School. by *Dixon, *DeBerry.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 0065 -- Memorials, Congress -- Urges ceasing from imposing constitutional authority to regulate traffic and motor vehicle safety.**

Transportation Committee.

***Senate Joint Resolution No. 0084 -- General Assembly, Directed Studies -- Directs department of environment and conservation to study feasibility of establishing state park in Johnson County.**

Conservation and Environment Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1626 -- Anderson County -- Includes government owned or operated hotels in privilege tax on occupancy of hotels; exempts not for profit corporations from tax. Amends Chapter 193, Acts of 1990. by *Cross, *Coffey.

House Bill No. 1628 -- Dyersburg -- Revises city charter. Amends Chapter 410, Acts of 1903, as amended. by *Cole Ronnie.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 0010 -- Juries and Jurors -- Removes voter registration list as source of juror names; requires persons exempt from jury service based on occupational exemption, after receiving**

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summons, to notify clerk what 30 day period during next 12 months will be able to serve and thus remove automatic exemption. Amends TCA, Title 22. (HB 0608).

***Senate Bill No. 0191 -- Driver Licenses --** Revises documentation requirements student under 18 must provide to obtain learner's permit and photo identification card. Amends TCA, Title 49, Ch. 6, Pt. 30. (HB 0470).

***Senate Bill No. 0377 -- Corporations --** Revises municipal incorporation laws. Amends TCA, Title 6, Chs. 1, 18, 30. (HB 0260).

***Senate Bill No. 0601 -- Labor --** Revises type of association representing certain education employees which may enter into agreements for payroll deduction without meeting certain criteria. Amends TCA 8-23-204. (HB 1071).

***Senate Bill No. 0685 -- County Government --** Limits County Financial Management Act of 1981; authorizes appropriations for court ordered expenses. Amends TCA, Title 5, Ch. 21. (HB 603).

Senate Bill No. 0712 -- Public Records -- Makes the residential address, telephone number and photograph of law enforcement officers and their immediate families confidential; requires elision of such confidential information from any public record. Amends TCA, Title 10, Ch. 7, Pt. 5. (HB 0371).

***Senate Bill No. 0913 -- Law Enforcement --** Establishes procedures for investigations by state agencies of law enforcement officers; sets conditions for questioning, informing, right to counsel, notification, and hearing. Amends TCA, Title 38, Ch. 8, Pt. 3. (HB 1333).

***Senate Bill No. 1116 -- Equalization Board --** Increases the number of members to be appointed to the state board of equalization. Amends TCA, Title 4. (HB 0703).

***Senate Bill No. 1219 -- Penal and Reformatory Institutions --** Abolishes requirement of polygraph examinations for department of correction employees when inmates are found to have taken illegal drugs; eliminates grounds for disciplinary action for employee's failure to take polygraph examination. Amends TCA 41-1-120. (HB 667).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1622 -- Pulaski -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 1624 -- Perry County -- Held on Clerk's desk pending approval by local delegation.

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House Bill No. 1625 -- Madison County -- Held on Clerk's desk pending approval by local delegation.

CONSENT CALENDAR

House Bill No. 1614 -- Madison County -- Expands time period for approval of budget; substitutes "county mayor" for "county executive". Amends Chapter 163, Private Acts of 1986, as amended.

House Bill No. 1615 -- Lauderdale County -- Confers domestic relations jurisdiction on general sessions court.

House Bill No. 1616 -- Lauderdale County -- Confers probate jurisdiction on general sessions court.

House Bill No. 1606 -- Carter County -- Gives planning commissioners same amount of compensation for attendance at meetings as received by county commissioners for meetings. Amends Chapter 360, Private Acts of 1972, as amended.

House Bill No. 1014 -- Law Enforcement -- Revises training standards for sheriffs; establishes criteria for sheriffs to receive police pay supplement. Amends TCA, Title 38, Ch. 8.

House Bill No. 1520 -- Veterans -- Authorizes sale of possessions of veterans who die intestate at state veterans' nursing homes or who abandon property at such homes to provide for needy residents. Amends TCA, Title 58, Ch. 7.

House Resolution No. 0002 -- Naming and Designating -- Margaret Britton Vaughn, Tennessee Bard.

House Bill No. 0546 -- Water Pollution and Water Resources -- Revises name of Tennessee Upper Duck development agency to Tennessee Duck River development agency. Amends TCA 4-29-217; Title 64, Ch. 1, Pt. 6.

On motion, House Bill No. 546 was made to conform with Senate Bill No. 189; the Senate Bill was substituted for the House Bill.

House Bill No. 0877 -- Loan Companies -- Authorizes loans secured by real property to be closed at attorneys' office or title insurance company or agency licensed in Tennessee, so long as located in Tennessee and within 100 miles of registered office of registrant making loan. Amends TCA 45-5-103.

House Bill No. 0025 -- Cosmetology -- Adds electrology schools to schools exempt from licensing requirements of Postsecondary Education Act of 1974. Amends TCA 49-7-2004.

On motion, House Bill No. 25 was made to conform with Senate Bill No. 26; the Senate Bill was substituted for the House Bill.

House Bill No. 0242 -- Sunset Laws -- Standards committee,

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June 30, 2000; Amends TCA, Title 4, Ch. 29; Title 71, Ch. 3.

On motion, House Bill No. 242 was made to conform with Senate Bill No. 117; the Senate Bill was substituted for the House Bill.

House Bill No. 0533 -- Game and Fish Laws -- Authorizes furriers to buy and sell pelts and hides without being licensed as fur dealer. Amends TCA, Title 70, Ch. 2, Pt. 2.

On motion, House Bill No. 533 was made to conform with Senate Bill No. 490; the Senate Bill was substituted for the House Bill.

House Bill No. 1610 -- Milan -- Raises salaries for board of mayor and aldermen; alters qualifications for voting in city elections. Amends Chapter 458, Acts of 1901, as amended.

House Bill No. 1617 -- Carthage -- Changes swearing in of officers; requires two thirds of remaining members of council to vote to expel member instead of two thirds of remaining members present and voting; requires ordinance to be considered on three separate readings and passed by majority of members present.

House Bill No. 0519 -- Highway Signs -- "Tennessee Golf Hall of Fame, I-65, Williamson County.

On motion, House Bill No. 519 was made to conform with Senate Bill No. 253; the Senate Bill was substituted for the House Bill.

House Bill No. 0954 -- Architects and Engineers -- Revises various provisions concerning architects, engineers and landscape architects. Amends TCA 62-2-102, 103; Title 62, Ch. 2, Pt. 4.

House Bill No. 1272 -- Hospitals and Health Care Facilities -- Redefines "hospital records" to include electronically stored data. Amends TCA 68-11-302.

On motion, House Bill No. 1272 was made to conform with Senate Bill No. 241; the Senate Bill was substituted for the House Bill.

House Bill No. 0296 -- Budget Procedures -- Establishes budget procedures for county government. Amends TCA, Title 5, Ch. 6.

House Bill No. 0623 -- Regional Authorities -- Authorizes local legislative body to provide compensation for members of regional planning commission. Amends TCA 13-3-101.

On motion, House Bill No. 623 was made to conform with Senate Bill No. 694; the Senate Bill was substituted for the House Bill.

House Bill No. 0724 -- Utilities, Utility Districts -- Authorizes compensation of \$100 per month for public utility board members in Sullivan County if county legislative body approves. Amends TCA 5-10-193.

On motion, House Bill No. 724 was made to conform with Senate

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Bill No. 687; the Senate Bill was substituted for the House Bill.

House Bill No. 1008 -- Utilities, Utility Districts -- Revises definitions relative to purposes of rural electric and community service cooperatives. Amends TCA, Title 65, Ch. 25.

On motion, House Bill No. 1008 was made to conform with Senate Bill No. 986; the Senate Bill was substituted for the House Bill.

*House Joint Resolution No. 0100 -- Highway Signs -- "National Medal of Honor Museum," 1-24, 1-124; "National Knife Museum," 1-75.

House Bill No. 0767 -- Highway Signs -- "Ruby Falls," "Point Park," "Rock City" and "Incline."

On motion, House Bill No. 767 was made to conform with Senate Bill No. 1140; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 0149 -- Memorials, Sports -- Coffee County High School girls' basketball team.

House Bill No. 1621 -- Jackson -- Revises charter with respect to municipal civil service system. Amends Chapter 167, Private Acts of 1969, as amended.

Senate Joint Resolution No. 0113 -- Memorials, Public Service -- Dr. Arthur Kellermann.

Senate Joint Resolution No. 0114 -- Memorials, Personal Achievement -- David Williams, Eagle Scout.

Senate Joint Resolution No. 0116 -- Memorials, Public Service -- State employees for efforts during snowstorm.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1014; by Rep. Kent.

House Bill No. 1520; by Rep. Bittle.

House Bill No. 877; by Rep. Shirley.

House Bill No. 954; by Rep. Herron.

Under the rules, House Bill(s) No(s). 1014, 1520, 877 and 954 was/were placed at the foot of the calendar for Wednesday, March 31, 1993.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate

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and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittie, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Chiles, Hargrove, Rigsby -- 3.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 0429 -- Utilities, Utility Districts -- Modifies method of selecting trustees for board of directors of Citizens Gas Utility District of Scott and Morgan counties. Amends Chapter 225, Public Acts of 1959, as amended.

Further consideration of House Bill No. 429, previously considered on March 22, 1993, at which time it was reset to the Calendar for March 29, 1993.

Rep. Windle moved that House Bill No. 429 be reset one week to the Calendar for Monday, April 5, 1993, which motion prevailed.

House Bill No. 1365 -- Private Protective Services -- Establishes defense to unlawful carrying or possession of weapon for registered private security guard in performance of duties; creates additional conditions to qualifications for obtaining registration; grants authority to commissioner to require additional training. Amends TCA 39-17-1308, 62-35-117, 118.

Rep. Kisber moved that House Bill No. 1365 be passed on third and final consideration.

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Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1365 by deleting from the amendatory language of the subsection added by SECTION 3 the words "club or night stick" and substituting instead the words "club, stun gun, chemical sprays or night stick".

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that House Bill No. 1365, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Coffey -- 1.

A motion to reconsider was tabled.

*House Bill No. 0303 -- Corporations, Not for Profit -- Authorizes non-profit corporations to be reinstated even if over two years have elapsed from date of administrative revocation. Amends TCA 48-64-203.

Rep. Dixon moved that House Bill No. 303 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Dixon, as follows:

Amendment No. 1

AMEND House Bill No. 303 by deleting SECTION 1 in its

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entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-64-203, is amended by deleting subsection (a) and substituting instead the following:

(a) A corporation administratively dissolved under Tennessee Code Annotated, Section 48-64-202 may apply to the secretary of state for reinstatement. The application must:

(1) Recite the name of the corporation at its date of dissolution;

(2) State that the ground or grounds for dissolution either did not exist or have been eliminated;

(3) State a corporate name that satisfies the requirements of Tennessee Code Annotated, Section 48-54-101; and

(4) Contain a certificate from the commissioner of revenue reciting that the corporation has properly filed all reports and paid all taxes and penalties required by the revenue laws of this state.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved that House Bill No. 303, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Waley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wittingham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Chiles -- 1.

A motion to reconsider was tabled.

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*House Bill No. 0404 -- Nurseries -- Requires the department of agriculture to encourage and support statewide development of nursery stock production. Amends TCA, Title 43, Ch. 1, Pt. 1.

Rep. Crain moved that House Bill No. 404 be reset to the next available space on the Calendar for Wednesday, March 31, 1993, which motion prevailed.

*House Bill No. 1456 -- Budget Procedures -- Attaches human resource agencies to department of human services for budgetary consideration. Amends TCA, Title 13, Ch. 26.

Rep. Crain moved that House Bill No. 1456 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R. (Shelby), Jones U. (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Perquias Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Ritchie -- 1.

A motion to reconsider was tabled.

*House Bill No. 0406 -- Medicare and Medicaid -- Establishes medicaid cost savings award program for medicaid providers.

Rep. Crain moved that House Bill No. 406 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 406 by deleting from Section 2 the language "and the commissioner of commerce and insurance.", and by substituting instead the following language:

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the commissioner of commerce and insurance, and two (2) consumer members to be appointed by the governor. One (1) consumer member shall initially be appointed to serve a one (1) year term and one member shall initially be appointed to serve a two (2) year term. Thereafter each consumer member shall be appointed to serve a two (2) year term. Any vacancy occurring in a consumer member position shall be filled by the governor for the unexpired term of such member.

On motion, Amendment No. 1 was adopted.

Rep. Crain moved that House Bill No. 406, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kennell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Thidell, Turner (Hamilton), Turner (Shelby), Venable, Watley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

*House Bill No. 0403 -- Courts, General Sessions -- Prohibits diminishing salary of general sessions judge if county is in one class on date judge is elected to office and later moves to another class on basis of decennial federal census. Amends TCA 16-15-5001.

Rep. Crain moved that House Bill No. 403 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 403 by adding the following language as a second paragraph at the end of the amendatory language of Section 1:

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Notwithstanding any other provision of law to the contrary, if a county was in one (1) class as provided in this section on September 1, 1990, and subsequent to such date such county moved into another class on the basis of the 1990 decennial federal census, the salary of such judge shall not be diminished during the time for which such judge was elected.

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

Rep. Crain moved that House Bill No. 403, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	1
Present and not voting.	8

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Phelan -- 1.

Representatives present and not voting were: Brooks, Givens, Haun, Lewis, Rigsby, Turner (Shelby), Walley, Williams (Union) -- 8.

A motion to reconsider was tabled.

***House Bill No. 0104 -- Telecommunications -- Requires sellers or distributors of wiretapping equipment to make users of such devices aware of contents of 18 USCA 2511; failure to comply is**

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Class C misdemeanor. Amends TCA, Title 65, Ch. 21, Pt. 1.

Rep. Odom moved that House Bill No. 104 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1, seconded by Rep. Odom, as follows:

Amendment No. 1

Amend House Bill No. 104 by adding to Section 1(a) between the words "shall" and "disclose" the words "in writing".

On motion, Amendment No. 1 was adopted.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Rep. Odom moved that House Bill No. 104, as amended, be passed on third and final consideration.

Rep. Odom requested that House Bill No. 104 be moved down ten places on the Calendar.

House Bill No. 1020 -- Handicapped Persons -- Enables certain disabled persons who own business enterprises to qualify for state purchasing set aside programs. Amends TCA 4-26-102, 12-3-802, 39-14-137, 49-8-114, 54-1-124.

Rep. Odom moved that House Bill No. 1020 be passed on third and final consideration.

Rep. Odom moved that House Bill No. 1020 be reset one week to the Calendar for Monday, April 5, 1993, which motion prevailed.

House Bill No. 0223 -- Motor Vehicles -- Authorizes law enforcement officers to inspect vehicles on parking lots and in public garages for proper registration and licensing. Amends TCA, Title 55, Ch. 10, Pt. 3.

On motion, House Bill No. 223 was made to conform with Senate Bill No. 219; the Senate Bill was substituted for the House Bill.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

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REGULAR CALENDAR, CONTINUED

Rep. Kent moved that Senate Bill No. 219 be passed on third and final consideration.

Rep. Kent requested that Senate Bill No. 219 be moved down 5 places on the Calendar.

House Bill No. 0488 -- Sentencing -- Makes persons charged with or convicted of vehicular homicide by intoxication or vehicular assault ineligible for pre-trial diversion or sentence deferral programs respectively. Amends TCA, Title 40, Chs. 5, 35.

Rep. Whitson moved that House Bill No. 488 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 488 by deleting SECTION 2 in its entirety and by renumbering the effective date section accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Whitson moved that House Bill No. 488, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Phillips -- 1.

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Representatives present and not voting were: Pruitt -- 1.

A motion to reconsider was tabled.

House Bill No. 1210 -- Alcoholic Beverage Commission -- Authorizes, rather than requires, alcoholic beverage commission to revoke dealer's license for three delinquent tax payments in one year. Amends TCA 57-1-207.

On motion, House Bill No. 1210 was made to conform with Senate Bill No. 1329; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that Senate Bill No. 1329 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	54
Noes.	37
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Buck, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Hassell, Head, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Knight, Liles, Love, McKee, Miller, Mires, Moore, Peroulas Draper, Phelan, Purcell, Rhinehart, Robinson, Severance, Shirley, Thompson, Tindell, Turner (Shelby), Venable, Westmoreland, Whitson, Windle, Wix, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Boyer, Brown, Byrd, Chiles, Coffey, Cross, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Haun, Herron, Johnson, Joyce, Kisber, Lewis, McAfee, McDaniel, Meyer, Odom, Phillips, Pinion, Pruitt, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Stamps, Stockburger, Turner (Hamilton), Walley, West, Williams (Union), Winningham, Wood -- 37.

Representatives present and not voting were: Ferguson, Jackson, Owenby, Williams (Williamson) -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 1329 and have this statement entered in the Journal: Rep(s). Bell, Hassell and Peroulas Draper.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to

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change their original stand from present not voting to no on Senate Bill No. 1329 and have this statement entered in the Journal: Rep(s). Ferguson.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 1329 and have this statement entered in the Journal: Rep(s). Williams (Shelby).

REGULAR CALENDAR, CONTINUED

House Bill No. 0212 -- DUI/DWI Offenses -- Allows emergency medical technicians and paramedics to draw blood samples from suspected DUI offenders. Amends TCA, Title 55, Ch. 10, Pt. 4.

Rep. Walley moved that House Bill No. 212 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 212 by deleting the following from the amendatory language of Section 1:

Any physician, registered nurse, licensed practical nurse, clinical laboratory technologist, clinical laboratory technician, licensed emergency medical technician or licensed paramedic,

and by substituting instead the following:

Any physician, registered nurse, licensed practical nurse, clinical laboratory technician, licensed paramedic or, notwithstanding any other provision of law to the contrary, licensed emergency medical technician approved to establish intravenous catheters,

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that House Bill No. 212, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	4
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Arriola,

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Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Armstrong, DeBerry, Herron, Venable -- 4.

Representatives present and not voting were: Dixon, Wix -- 2.

A motion to reconsider was tabled.

House Bill No. 1232 -- Motor Vehicles, Titling and Registration -- Allows issuance of Purple Heart special license plates for veterans whose military service pre-dated 1950. Amends TCA 55-4-239.

On motion, House Bill No. 1232 was made to conform with Senate Bill No. 1385; the Senate Bill was substituted for the House Bill.

Rep. McKee moved that Senate Bill No. 1385 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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House Bill No. 0342 -- Sunset Laws -- Department of human services, June 30, 2000. Amends TCA, Title 4, Chs. 3, 29.

Rep. Kernell moved that House Bill No. 342 be reset one week to the Calendar for Monday, April 5, 1993, which motion prevailed.

*Senate Bill No. 0219 -- Motor Vehicles -- Authorizes law enforcement officers to inspect vehicles on parking lots and in public garages for proper registration and licensing. Amends TCA, Title 55, Ch. 10, Pt. 3.

Further consideration of Senate Bill No. 219, previously considered on today's Calendar.

Rep. Kent moved that Senate Bill No. 219 be passed on third and final consideration.

Rep. Haun moved the previous question, which motion prevailed.

Rep. Kent moved that Senate Bill No. 219 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	75
Noes.	17
Present and not voting.	1

Representatives voting aye were: Anderson, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Piniñon, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Allen, Armstrong, Arriola, Bell, Brooks, Brown, Cross, DeBerry, Dixon, Duer, Jones R (Shelby), Miller, Phillips, Pruitt, Thompson, Turner (Shelby), Windle -- 17.

Representatives present and not voting were: Knight -- 1.

A motion to reconsider was tabled.

House Bill No. 0332 -- Sunset Laws -- State board for licensing alarm systems contractors, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 62, Ch. 32.

On motion, House Bill No. 332 was made to conform with Senate Bill No. 109; the Senate Bill was substituted for the House Bill.

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Rep. Kernell moved that Senate Bill No. 109 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Ritchie -- 1.

A motion to reconsider was tabled.

FIRST READING

*House Joint Resolution No. 0073 -- Constitutional Amendments -- Removes lottery prohibition in Article XI, Section 5.

Rep. Kernell requested that the Clerk read House Joint Resolution No. 73 as prescribed by the Constitution. The Speaker directed the Clerk to read the resolution. The Clerk read House Joint Resolution No. 73. Rep. Kernell moved that House Joint Resolution No. 73 be placed on the Calendar for Wednesday, March 31, 1993, (Second Reading), which motion prevailed.

House Bill No. 0518 -- Education -- Requires public schools to offer courses on bicycle safety. The department of safety to provide assistance; students who complete bicycle safety course receive certificate of recognition. Amends TCA 49-6-1003.

Rep. Callicott moved that House Bill No. 518 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 518 by deleting all of the printed

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bill following the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-1003, is amended by adding a new subsection as follows:

(c) The state department of education is directed to pilot the development of a bicycle safety curriculum for distribution to local education agencies, which may include it in the safety instruction otherwise required by this section.

SECTION 2. This act shall take effect July 1, 1993, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Callicott moved that House Bill No. 518, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	5
Present and not voting	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Hafey, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Chiles, Ramsey, Shirley, Stockburger, Stulce -- 5.

Representatives present and not voting were: Givens, Jackson -- 2.

A motion to reconsider was tabled.

*House Bill No. 0104 -- Telecommunications -- Requires sellers or distributors of wiretapping equipment to make users of such devices aware of contents of 18 USCA 2511; failure to comply is Class C misdemeanor. Amends TCA, Title 65, Ch. 21, Pt. 1.

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Further consideration of House Bill No. 104, previously considered on today's Calendar.

Rep. Odom moved that House Bill No. 104, as amended, be passed on third and final consideration.

Rep. Thompson moved to adopt Amendment No. 2, seconded by Rep. Odom, as follows:

Amendment No. 2

AMEND House Bill No. 104 by deleting in the amendatory language of Section 1 the language "shall disclose" and by substituting instead the words "shall disclose in writing in at least 10 point type".

AND FURTHER AMEND by adding the following language to the end of subsection (a) of Section 1:

Such disclosure shall include information which states that the violation of 18 U.S.C. 2511 is a fine of not more than ten thousand dollars (\$10,000) or imprisonment of not more than five (5) years or both.

On motion, Amendment No. 2 was adopted.

Rep. Odom moved that House Bill No. 104, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

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House Bill No. 0414 -- Highways, Roads and Bridges -- Expands definition of "street" and "street improvements" for municipal aid funds; revises eligibility of city or county to receive certain revenues from gasoline tax based on appropriation and allocation of funds for road purposes on average of certain number of years. Amends TCA, Title 54, Ch. 4; Title 67, Ch. 3.

On motion, House Bill No. 414 was made to conform with **Senate Bill No. 497**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that **Senate Bill No. 497** be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Amendment No. 1.

Rep. Fowlkes moved that **Senate Bill No. 497** be passed on third and final consideration.

Rep. Fowlkes moved that **Senate Bill No. 497** be reset to the Calendar for Wednesday, March 31, 1993, which motion prevailed.

House Bill No. 0416 -- County Government -- Authorizes county legislative bodies to set amount of salary on stated monthly basis rather than on stated meeting or daily basis. Amends TCA 5-5-107.

On motion, House Bill No. 416 was made to conform with **Senate Bill No. 168**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that **Senate Bill No. 168** be passed on third and final consideration.

Rep. Bell moved the previous question, which motion prevailed by the following vote:

Ayes.	68
Noes.	21
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Kent, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Mires, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stulce, Tindell, Turner (Shelby), Venable, West, Westmoreland, Winningham, Wood -- 68.

Representatives voting no were: Buck, Callicott, Chumney, DeBerry, Duer, Head, Herron, Jones R (Shelby), Joyce, McAfee, Miller, Odom, Shirley, Stamps, Stockburger, Turner (Hamilton), Walley, Williams (Union), Williams (Williamson), Windle, Wix -- 21.

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Representatives present and not voting were: Kernell -- 1.

Rep. Fowlkes moved that **Senate Bill No. 168** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	78
Noes.	11
Present and not voting.	8

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Byrd, Callicott, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Halteman Harwell, Hargrove, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wood -- 78.

Representatives voting no were: Cross, Hassell, Head, Joyce, McAfee, Ridgeway, Shirley, Stockburger, Turner (Hamilton), Walley, Williams (Union) -- 11.

Representatives present and not voting were: Brown, Buck, Chumney, DeBerry, Givens, Haley, Wix, Mr. Speaker Naifeh -- 8.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on **Senate Bill No. 168** and have this statement entered in the Journal: Rep(s). Dixon.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to not voting on **Senate Bill No. 168** and have this statement entered in the Journal: Rep(s). Brooks.

REGULAR CALENDAR, CONTINUED

House Bill No. 1066 -- State Government -- Clarifies definition of "agency" under Open Appointments Act to exclude ex officio and popularly elected bodies; authorizes xerox charge for report copies. Amends TCA, Title 10, Ch. 7, Pt. 6.

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Rep. Chumney moved that House Bill No. 1066 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1066 by deleting the first sentence in the amendatory item (1) of the original Section 1 and substituting instead the following:

"Agency" means a state board, commission, council, committee, authority, task force, or other similar multi-member agency created by statute, having state wide jurisdiction.

AND FURTHER AMEND by deleting the words "elected members" from the second sentence in the amendatory item (1) of the original Section 1 and by substituting instead the words "elected members except where such agency includes one or more members of the general assembly".

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that House Bill No. 1066, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

*House Bill No. Q148 -- Zoning -- Shortens from 30 to 15 days length of time required for notice of public hearing to amend county zoning ordinance provisions. Amends TCA 13-7-105.

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On motion, House Bill No. 148 was made to conform with Senate Bill No. 544; the Senate Bill was substituted for the House Bill.

Rep. Westmoreland moved that Senate Bill No. 544 be reset to the Calendar for Wednesday, March 31, 1993, which motion prevailed.

House Bill No. 1303 -- Insurance, Motor Vehicles -- Authorizes injured occupant to recover from insurance policy with highest limits of uninsured coverage if primary coverage is exhausted due to extent of compensatory damages. Amends TCA, Title 56, Ch. 7, Pt. 12.

On motion, House Bill No. 1303 was made to conform with Senate Bill No. 5; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 5 be passed on third and final consideration.

Rep. Buck requested that Senate Bill No. 5 be moved to the heel of the Calendar.

House Bill No. 0428 -- Pardons and Paroles -- Requires parole board to consider facts and circumstances of offense before paroling inmate convicted of first degree murder; allows board to decline paroling inmate if victim subjected to torture or unnecessary physical abuse. Amends TCA, Title 40, Ch. 28; Title 40, Ch. 35, Pt. 5.

Rep. Windle moved that House Bill No. 428 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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On motion, House Bill No. 148 was made to conform with Senate Bill No. 544; the Senate Bill was substituted for the House Bill.

Rep. Westmoreland moved that Senate Bill No. 544 be reset to the Calendar for Wednesday, March 31, 1993, which motion prevailed.

House Bill No. 1303 -- Insurance, Motor Vehicles -- Authorizes injured occupant to recover from insurance policy with highest limits of uninsured coverage if primary coverage is exhausted due to extent of compensatory damages. Amends TCA, Title 56, Ch. 7, Pt. 12.

On motion, House Bill No. 1303 was made to conform with Senate Bill No. 5; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 5 be passed on third and final consideration.

Rep. Buck requested that Senate Bill No. 5 be moved to the heel of the Calendar.

House Bill No. 0428 -- Pardons and Paroles -- Requires parole board to consider facts and circumstances of offense before paroling inmate convicted of first degree murder; allows board to decline paroling inmate if victim subjected to torture or unnecessary physical abuse. Amends TCA, Title 40, Ch. 28; Title 40, Ch. 35, Pt. 5.

Rep. Windle moved that House Bill No. 428 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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House Bill No. 0555 -- Banks and Financial Institutions -- Gives commissioner general rule making authority, including authority to establish schedule of fees to be charged for applications. Amends TCA 45-1-107.

On motion, House Bill No. 555 was made to conform with **Senate Bill No. 512**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that **Senate Bill No. 512** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	2
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Duer, Stamps -- 2.

Representatives present and not voting were: Brooks, DeBerry, Dixon, West -- 4.

A motion to reconsider was tabled.

***Senate Bill No. 0005** -- Insurance, Motor Vehicles -- Authorizes injured occupant to recover from insurance policy with highest limits of uninsured coverage if primary coverage is exhausted due to extent of compensatory damages. Amends TCA, Title 56, Ch. 7, Pt. 12.

Further consideration of **Senate Bill No. 5**, previously considered on today's Calendar.

Rep. Buck moved that **Senate Bill No. 5** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 5** be passed on third and final consideration.

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Rep. Buck moved that Senate Bill No. 5 be reset to the Calendar for Wednesday, March 31, 1993, which motion prevailed.

MESSAGE FROM THE SENATE
March 29, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 497; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 29, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 374.

The Senate concurred in House Amendment(s) No(s). 1 and 3, and nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Resolution No. 22 out of order, which motion prevailed.

House Resolution No. 0022 -- General Assembly -- Authorizes speaker to appoint committee to consider removal of David Lanier pursuant to Article VI, Section 6 of the Constitution of Tennessee. by *Cole Ronnie, *Pinion, *Purcell, *Chumney, *Buck, *Herron, *Williams K, *Knight, *Owenby, *Brown, *Bittle, *Naifeh, *McDaniel, *Davis Ronnie, *Fisher, *Kisber, *Turner B, *Ridgeway.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Resolution No. 22 could be heard by the Judiciary Committee on Wednesday, March 31, 1993, which motion prevailed.

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Resolution No. 22 could be heard by the Calendar and Rules Committee on Thursday, April 1, 1993 if it is reported out of the Judiciary Committee, which motion prevailed.

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Rep. Purcell moved to suspend Rule No. 49, so that House Resolution No. 22, if reported out of the Calendar and Rules Committee, could be heard by the full House on Thursday, April 1, 1993, which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday, March 31, 1993:

Senate Bill No. 374: Rep. Peroulas Draper.

House Bill No. 497: Rep. Buck.

RULES SUSPENDED

Rep. Buck moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Resolution No. 6 could be heard by the Judiciary Committee on Wednesday, March 31, 1993, if reported out of subcommittee, which motion prevailed.

MOTION TO RECONSIDER

Rep. Jackson moved to lift from the table the motion to reconsider House Bill No. 128, which motion prevailed.

*House Bill No. 0128 -- State Employees -- Extends to children of state employees killed on the job or in the line of duty present 25 percent tuition reduction at state operated technical or vocational school or institution of higher learning available to children of full time state employees. Amends TCA 8-50-115.

Rep. Jackson moved to reconsider our action in passing House Bill No. 128, which motion prevailed.

On motion, House Bill No. 128 was made to conform with Senate Bill No. 213; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 213 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey,

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Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Ramsey, Stockburger -- 2.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Kent moved that the rules be suspended for the purpose of introducing House Resolution No. 20 out of order, which motion prevailed.

House Resolution No. 0020 -- Memorials, Personal Occasion -- Cindy Mae Cameron Ogle, 42nd birthday. by *Huskey, *Kent.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Kent, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Winningham suspend Rule No. 80(1), so that the K-12 subcommittee could meet after session to hear House Bill No. 818 and that House Bill No. 818 could be heard in the Education Committee on Tuesday, March 30, 1993, which motion prevailed.

DELAYED BILLS REFERRED

Pursuant to Rule No. 77, having been prefiled for introduction, House Bill(s) No(s). 1627 and 1629, was/were referred to the Delayed Bills Committee.

House Bill No. 1627 -- Highway Signs -- Senator Claude Callicott Highway, segment of S.R. 96, Williamson County. by *Williams Mike.

House Bill No. 1629 -- Election Laws -- Revises election notice requirements in Lakewood, upon two-thirds approval of county legislative body of Davidson County. Amends TCA, Title 2, Ch. 1. by *West, *Love, *Garrett, *Arriola, *Robinson, *Pruitt, *Clark, *Halteman Harwell, *Chiles, *Odom.

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SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 281: Rep(s). Herron as prime sponsor(s).

House Bill No. 428: Rep(s). Arrington and Hargrove as prime sponsor(s).

House Bill No. 488: Rep(s). Bittle, Givens and Jackson as prime sponsor(s).

House Bill No. 1411: Rep(s). Coffey as prime sponsor(s).

House Bill No. 1440: Rep(s). Crain as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

March 29, 1993

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 266, 548, 573, 639, 772, 971, 1050, 1474, 1598, 1603, 1605, 1607, 1609, 1611 and 1612; also, House Joint Resolution(s) No(s). 120, 121, 122, 123, 124, 125 and 126; with his approval.

DAVID H. WELLES, Counsel to the Governor.

MESSAGE FROM THE SENATE

March 29, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 19, 150, 369 and 1594; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 30; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 313, 499, 675 and 1418; substituted for Senate

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Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

March 29, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 212, 296, 303, 403, 406, 488, 1365, 1456, 1606, 1610, 1614, 1615, 1616, 1617 and 1621; also, House Joint Resolution(s) No(s). 100 and 149.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

March 29, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 104, 428, 518 and 1066.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 31, 1993.